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TAGS: [PGOV](#) [PREL](#) [PHUM](#) [KDEM](#) [KISL](#) [AJ](#)  
SUBJECT: INDEPENDENT JOURNALISTS CONVICTED FOR INCITING  
RELIGIOUS HATRED

REF: 06 BAKU 1700

Classified By: DEPUTY CHIEF OF MISSION JASON P. HYLAND PER 1.4(B,D)

¶1. (SBU) On May 4, the Sabail District Court convicted two journalists from the independent Sanat newspaper on charges of inciting religious hatred. Rafiq Taghi, the author of a controversial article questioning the effects of Islamic influence in Azerbaijan, received a sentence of three years' imprisonment, while Samir Sadagatoglu, Sanat's Editor-in-Chief, was sentenced to four years in prison. This is the second major court ruling against independent journalists in two weeks, and the fifth in a year. Taghi and Sadagatoglu join independent editor Eynulla Fatullayev, opposition satirical journalist Sakit Zahidov, and independent reporter Faramaz Novruzoglu in prison; two other independent editors are serving suspended sentences, and many others have been fined.

¶2. (SBU) Taghi's article, "Europe and Us," published on November 9, 2006, sparked a heated reaction in Azerbaijan and Iran (reftel). In the article, Taghi criticizes Islam as being a form of "Eastern despotism" and as lacking humanistic principles. He argues that Islam has prevented Azerbaijan from integrating into Europe, while pointing out that at the same time, Azerbaijan's attempt to secularize has been influenced by Europe. "If Azerbaijani leaders are Muslim, I am the Pope" Taghi jests. He ominously concludes by stating: "This article, which I stop writing so abruptly, will cause attacks and condemnations. However, I say: to be continued." Taghi and Sadagatoglu were arrested on November 17, 2006.

¶3. (C) During the final session of Taghi's and Sadagatoglu's joint trial, Emboffs witnessed a group of about 20 religious fanatics repeatedly making loud comments condemning the defendants' actions. During recesses, the group chanted Koranic verses and made comments to provoke the defendants' lawyers and journalists covering the trial; they accused the journalists of betraying both Allah and Azerbaijan, and one elderly Hajji cautioned the crowd to avoid the "evil" influence of organizations like the Council of Europe and the OSCE. Malahat Babayeva, a former Deputy Minister of Culture who said that she had attended the trial as a "concerned citizen," expressed concern that civil society representatives were not present at the trial. Although two of the OSCE's Trial Monitoring Program staff members were present, no other diplomatic representatives attended. (NOTE: In an April 26 meeting, one diplomat confided that the EU was nervous about the Islamic component of this case.)

¶4. (U) After the verdict was announced, Poloff delivered the following statement to the press in Azerbaijani: "This decision is yet another disturbing example of undue restrictions on freedom of expression and media in Azerbaijan. Although the U.S. Embassy does not share the

views expressed by Mr. Taghi in his article, we do support his right and the rights of every Azerbaijani citizen to freely express his or her opinion. As a former Secretary of State once said, 'Free speech is intended to protect the controversial and even outrageous word; and not just comforting platitudes too mundane to need protection.'"

¶5. (C) COMMENT: While we view this case as a clear-cut question of freedom of speech, Taghi's controversial religious comments seem to have distracted the average Azerbaijani citizen from seeing it in these terms. Azerbaijani government officials have told us they believe the Iranian government is using Taghi's article to foment anti-GOAJ sentiment both in Azerbaijan and Iran; it is very possible that the protesters at the trial were supported by Iran. Although the GOAJ has valid concerns about Iranian meddling in Azerbaijan's internal affairs, we do not believe they should use it as a pretext for restrictions on free speech. We will continue to raise our concerns over the deteriorating media freedom climate with all levels of GOAJ contacts.

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